

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ROBERT STEWART,

Plaintiff,

VS.

BANK OF AMERICA, N.A.,

Defendant.

Case No.: 2:19-cv-00699-GMN-NJK

## ORDER

On April 14, 2020, *pro se* Plaintiff Robert Stewart filed a Motion to Proceed *in forma pauperis* on Appeal, (ECF No. 52). However, for the reasons discussed below, the Court finds that Plaintiff's Motion is deficient.

Federal Rule of Appellate Procedure (“FRAP”) 24, which governs leave to proceed *in forma pauperis*, states that

a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

(A) shows in the detail prescribed by **Form 4** of the Appendix of Forms the party's inability to pay or to give security for fees and costs;

(B) claims an entitlement to redress; and

(C) states the issues that the party intends to present on appeal.

FRAP 24(a)(1) (emphasis added).<sup>1</sup> A blank copy of Form 4, referenced in FRAP 24, was provided to Plaintiff by the U.S. Court of Appeals for the Ninth Circuit, in a packet titled “After Opening Your Appeal: What You Need to Know.”<sup>2</sup>

<sup>1</sup> The Federal Rules of Appellate Procedure are available at [www.ca9.uscourts.gov/rules](http://www.ca9.uscourts.gov/rules).

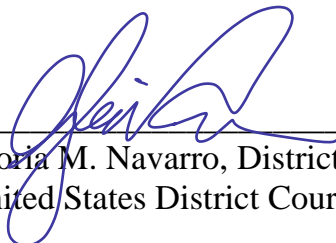
<sup>2</sup> Form 4 is also available at <https://www.ca9.uscourts.gov/forms/#motions>.

1 Here, Plaintiff filed his Motion, (ECF No. 52), using what appears to be a form from  
2 Clark County District Court, rather than using Form 4. While Plaintiff's Motion provides some  
3 relevant financial information, the Motion does not show "in the detail prescribed by Form 4 of  
4 the Appendix of Forms [Plaintiff's] inability to pay or to give security for fees and costs," as  
5 required by FRAP 24(a)(1)(A). Moreover, Plaintiff's Motion does not state "the issues that  
6 [Plaintiff] intends to present on appeal," as required by FRAP 24(a)(1)(C). In order to cure  
7 these deficiencies, Plaintiff is directed to complete "Form 4. Motion and Affidavit for  
8 Permission to Proceed in Forma Pauperis," and submit it to this Court by Monday, May 4,  
9 2020.

10 **I. CONCLUSION**

11 **IT IS HEREBY ORDERED** that Plaintiff shall complete "Form 4. Motion and  
12 Affidavit for Permission to Proceed in Forma Pauperis," and submit it to this Court by Monday,  
13 May 4, 2020. Failure to comply with this Order shall result in the denial of Plaintiff's Motion  
14 to Proceed *in forma pauperis* on Appeal.

15 **DATED** this 20 day of April, 2020.

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20 Gloria M. Navarro, District Judge  
21 United States District Court  
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